

DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

July 22, 2006

BOARD MEMBERS PRESENT: Vice-President Stanley Grossman, Murray Cohen, D.O., David Steinway, D.O. and Andrew Becke

BOARD MEMBERS ABSENT: President Martin Reiss D.O., Dr. Wedel and Arlene England, D.O. were excused from the meeting

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Blair C. Driggs, Assistant Attorney General
Barbara Prah-Wix, D.O., Medical Consultant
Beverly Alfson, Licensing/Business Manager
John O'Hair-Shattenberg, Investigator

1. **CALL TO ORDER by Vice-President Stanley J. Grossman – 8:08 a.m.**

2. **ROLL CALL AND REVIEW OF AGENDA:**

3. **PRESIDENT'S REPORT AND CALL TO THE PUBLIC:**

4. **REVIEW, CONSIDERATION AND APPROVAL OF MINUTES:**

A. June 24, 2006 Board Meeting Minutes

MOTION: Dr. Steinway made a motion to accept the minutes and Mr. Becke seconded.

VOTE: Motion passed unanimously.

5. **REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.**

A. **Linda Benaderet, D.O.**

Case No. 3483

License No. 2150

The Deputy Director provided a summary of the case. Dr. Benaderet was present with attorney Harding Cure. Dr. Benaderet was sworn in by the court reporter and answered all questions posed by the Board. The complainant was also present and sworn in by the court reporter. The complainant answered the Board's questions.

At 8:50 a.m. the Board went into Executive Session for legal advice. The meeting resumed at 8:55 a.m.

MOTION: Dr. Steinway made a motion for a LETTER OF CONCERN pursuant to A.R.S. § 32-1854 (6), for inadequate follow up on a potentially critical bone scan. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE: The motion passed unanimously.

B. Bruce Sobel, D.O.

Case No. 3493

License No. 2197

The Medical Consultant provided a summary of the case. Dr. Sobel was present with his attorney. Dr. Sobel was sworn in by the court reporter and answered all questions posed by the Board. The complainant was also present and was sworn in by the court reporter. The complainant commented on the case and answered the Board's questions.

MOTION: Dr. Steinway moved for DISMISSAL. The motion was seconded by Mr. Becke.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE: The motion passed unanimously.

C. Tedd Goldfinger, D.O.

Case No. 3458

License No. 2198

The Medical Consultant summarized the case. Dr. Goldfinger was present and sworn in by the court reporter. Dr. Goldfinger read a summary of his medical care and answered all questions posed by the Board. The complainant was also present accompanied by his wife. The complainant was sworn in, provided a statement, and answered the Board's questions.

MOTION: Dr. Steinway made a motion that the case be TABLED and sent for an outside review. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

D. Budi Bahureksa, D.O.

Case No. 3436

License No. 3901

The Deputy Director provided a summary of the case. Dr. Bahureksa was present with his attorney Peter Akmajian. Dr. Bahureksa was sworn in by the court reporter. Dr. Bahureksa answered all questions posed by the Board. The complainant was also present and sworn in by the court reporter. The complainant made a statement and answered the Board's questions.

FIRST MOTION: Dr. Steinway made a motion for a five year PROBATION pursuant to A.R.S. 32-1854 (6), (38), and (42). Mr. Becke seconded the motion. The motion was withdrawn.

SECOND MOTION: Dr. Steinway made a motion to TABLE the case pending further evaluation and investigation. Dr. Cohen seconded the motion.

ROLL CALL VOTE: The motion passed 3-1, with Mr. Becke voting against the motion.

E. Matthew Duke, D.O. Case No. 3397M License No. 3481

The Medical Consultant provided a summary of the case. Dr. Duke was present with attorney Richard Delo. Dr. Duke was sworn in by the court reporter. Dr. Duke summarized his care and answered all questions posed by the Board.

MOTION: Dr. Cohen made a motion for a LETTER OF CONCERN pursuant to A.R.S. § 32-1854 (6) based upon limited clinical evaluation and follow through. The motion was seconded by Dr. Steinway.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE: The motion passed unanimously.

F. Kristen Osiecki, D.O. Case No. 3445 License No. 3640

The Medical Consultant summarized the case. Dr. Osiecki was present with attorney Mandi Karvis. Dr. Osiecki was sworn in by the court reporter. Dr. Osiecki summarized her care and answered all questions posed by the Board.

MOTION: Dr. Steinway made a motion that the case be DISMISSED but that Dr. Osiecki be required to complete 30 hours of CME in the area of evaluation and treatment of acute abdominal pain. This CME is in addition to that required for license renewal, is to be completed within 6 months, and shall be pre-approved by the Executive Director. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE: The motion passed unanimously.

G. William Gabbert, D.O. Case No. 3454 License No. 3813

The Deputy Director summarized the case. Dr. Gabbert was present and sworn in by the court reporter. Dr. Gabbert answered all questions posed by the Board. The complainant was also present and questioned by the Board.

FIRST MOTION: Dr. Cohen made a motion for DISMISSAL. Mr. Grossman seconded the motion. The vote ended in a tie with Dr. Cohen and Mr. Becke voting for the motion and Dr. Steinway and Mr. Grossman voting against the motion.

SECOND MOTION: Mr. Grossman made a motion for a LETTER OF CONCERN. Dr. Steinway seconded the motion. The motion was withdrawn

THIRD MOTION: Dr. Steinway made a motion that the case be TABLED in order to obtain further information. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

H. Charles Lindsay, D.O. Case No. 3399 License No. 0793

Dr. Lindsay failed to appear. The Board directed staff to contact Dr. Lindsay and reset the Hearing.

I. William Zachow, D.O. Case No. 3498 License No. 2324

The Deputy Director summarized the case. Dr. Zachow was present and sworn in by the court reporter. Dr. Zachow answered all questions posed by the Board. The complainant was also present and sworn in. The complainant made a statement and answered the Board's questions.

MOTION: Dr. Cohen made a motion that the case be TABLED in order to obtain more information. Dr. Steinway seconded the motion.

The motion passed 3-1 with Mr. Grossman voting against the motion.

J. Donald Welch, D.O.

Case No. 3730

License No. 0274

The Board's Investigator summarized the case. Dr. Welch was present and sworn in by the court reporter. Dr. Welch answered all questions posed by the Board.

At 1:15 p.m. the Board went into Executive Session for legal advice. The meeting resumed at 1:20 p.m.

MOTION: Dr. Steinway made a motion for a five year PROBATION pursuant to A.R.S. § 32-1854 (6), (19), (21), (36), and (38) that would restrict Dr. Welch's practice to Osteopathic Manipulation Therapy only. Dr. Welch would also be restricted from prescribing narcotic medications. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		
NO	0							X
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE:

The motion passed 3-1 with Mr. Becke voting against the motion.

The Board broke for lunch at 1:37 p.m.

The meeting resumed at 2:15 p.m.

K. Hesham Sahawneh, D.O.

Case No. 3300

License No. 3194

POSTPONED.

6. REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. Ethan Kennedy, D.O.

Dr. Kennedy appeared before the Board to request a change in his prescribing privileges. Dr. Kennedy answered all questions posed by the Board.

MOTION: Dr. Steinway made a motion to grant Dr. Kennedy's request. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

7. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. §32-1822; PERMITS PURSUANT TO § A.R.S. 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. §32-1825 (C-D) AND A.A.C. R4-22-109.

A. John Taylor, D.O.

Dr. Taylor was sworn in and answered all questions posed by the Board.

MOTION: Dr. Steinway made the motion that Dr. Taylor be GRANTED A LICENSE CONTINGENT upon the completion of required CME. Dr. Cohen seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE: The motion passed unanimously.

8. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

A. Samuel Feinstein, D.O. Case No. 3451M License No. 1449

MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

B. Douglas Bobb, D.O. Case No. 3446 License No. 1990

MOTION: Dr. Steinway made a motion for a LETTER OF CONCERN pursuant to A.R.S. § 32-1854 (28) for failure to provide medical records in a timely manner for continuity of care.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

C. Howard Limmer, D.O. Case No. 3490M**License No. 1094**

MOTION: Dr. Steinway made a motion to DISMISS the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

D. Veronica Sutherland, D.O. Case No. 3480**License No. 3788**

MOTION: Dr. Steinway made a motion to DISMISS the case. Dr. Cohen seconded the motion

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

E. Robert Luberto, D.O.**Case No. 3474M****License No. 3176**

MOTION: Dr. Cohen made a motion to DISMISS the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

F. Tamarah Fratianni, D.O. Case No. 3687M License No. 3000

MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

G. Jeffrey Gitt, D.O. Case No. 3473 License No. 2023

FIRST MOTION: Dr. Steinway made a motion for a LETTER OF CONCERN. Mr. Becke seconded the motion. The motion was withdrawn.

SECOND MOTION: Dr. Cohen made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

H. Kristy Whelan, D.O. Case No. 3689 License No. 3773

MOTION: Dr. Cohn made a motion for DISMISSAL of the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

I. Alan Citrin, D.O. Case No. 3533 License No. 2235

MOTION: Mr. Grossman made a motion for an INVESTIGATIVE HEARING. Dr. Steinway seconded the motion.

VOTE: The motion passed unanimously.

J. Robert Saretsky, D.O. Case No. 3477 License No. 1578

Dr. Saretsky was present with attorney Stephen Myers.

MOTION: Mr. Becke made a motion for DISMISSAL. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

K. Erin Prenger, D.O. Case No. 3655 License No. 3484

The Medical Consultant summarized the case. The complainant was present and discussed the case with the Board.

MOTION: Dr. Steinway made a motion to DISMISS the case. Dr. Cohen seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

L. John Wadleigh, D.O. Case No. 3541 License No. 1940

MOTION: Dr. Steinway made a motion for DISMISSAL. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

M. Olivia Morris, D.O. Case No. 3521 License No. 4121

MOTION: Dr. Steinway made a motion for DISMISSAL. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

N. Roy Watts, D.O. Case No. 3542 License No. 2156

MOTION: Dr. Steinway made a motion for DISMISSAL. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

O. Mark Siegel, D.O. Case No. 3675 License No. 2479

The case was summarized by the Board's Investigator. The complainant was present with an attorney Jerry Hernandez. Mr. Hernandez made a statement to the Board. The complainant answered the Board's questions.

FIRST MOTION: Dr. Steinway made a motion to DISMISS the case. Dr. Steinway withdrew his motion.

SECOND MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

P. Paul Blumberg, D.O. Case No. 3529 License No. 1597

MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

Q. David Capaccio, D.O.

Case No. 3695

License No. 4118

MOTION: Dr. Steinway made a motion to DISMISS the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

R. Jerry Olshan, D.O.

Case No. 3712

License No. 1376

MOTION: Mr. Becke made a motion for DISMISSAL. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

S. Charles Clinch, D.O.

Case No. 3517M

License No. 1901

MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Dr. Cohen seconded the motion.

VOTE: The motion passed unanimously.

T. Mark Greenfield, D.O.

Case No. 3504

License No. 2827

MOTION: Mr. Becke made a motion for DISMISSAL. Dr. Cohen seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

U. Kathleen Gerace, D.O. Case No. 3558 License No. 3082

MOTION: Mr. Becke made a motion for an INVESTIGATIVE HEARING. Dr. Steinway seconded the motion.

VOTE: The motion passed unanimously.

V. Leslie Edison, D.O. Case No. 3653 License No. 2491

MOTION: Mr. Becke made a motion for DISMISSAL. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

W. Ryan Rawlings, D.O. Case No. 3512 License No. 4100

MOTION: Dr. Cohen made a motion to DISMISS the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

VOTE: The motion passed unanimously.

X. Paul Blumberg, D.O. Case No. 3508 License No. 1597

MOTION: Mr. Becke made a motion for an INVESTIGATIVE HEARING. Dr. Steinway seconded the motion.

VOTE: The motion passed unanimously.

Y. Julie McCartan, D.O. Case No. 3525A License No. 3506

MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

Z. Christopher Marsh, D.O. Case No. 3525B License No. 2532

MOTION: Dr. Steinway made a motion for an INVESTIGATIVE HEARING. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

AA. Thomas Handeguand, D.O. Case No. 3741 License No. 2220

David Chambers, attorney appeared for Dr. Handeguand's attorney, Craig Marton.

MOTION: Mr. Becke made a motion that the CONSENT AGREEMENT be accepted as proposed. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X		X			X	

ROLL CALL VOTE: The motion passed unanimously.

9. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEW AND POSSIBLE CONSIDERATION OF SUMMARY SUSPENSION, PURSUANT TO A.R.S. § 32-1855 (C through F) AND § 41-1064(C).

A. Thomas Handeguand, D.O. Case No. 3741 License No. 2220

See Case 3741 above.

10. EXECUTIVE DIRECTOR REPORT

- A. Financial Report**
- B. Open Complaints Summary**
- C. Performance Measures Report**
- D. Arizona Ombudsman/Citizen's Aide, Case #20061198**
- E. Sunset Legislation Discussion**
- F. Letter regarding St. Luke's Health Initiative Health Care Workforces Matching Grant**
- G. Performance Measures**

11. ADJOURNMENT

Dated this ____ day of _____, 2006.

Jack Confer, Executive Director